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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION, Applicant, vs. ANDREW T.E. COLDICUTT and LAW OFFICE OF ANDREW COLDICUTT, Respondents.	Case No. __________________ **SECURITIES AND EXCHANGE COMMISSION'S APPLICATION FOR AN ORDER TO SHOW CAUSE AND APPLICATION FOR AN ORDER COMPELLING COMPLIANCE WITH INVESTIGATIVE SUBPOENAS**

I. INTRODUCTION

1. The Securities and Exchange Commission ("SEC") hereby applies to this Court for an Order Show Cause why an order should not issue requiring Respondents Andrew T.E. Coldicutt and the Law Office of Andrew Coldicutt (collectively, "Respondents") to comply with two investigative subpoenas issued and properly served on them by the SEC on May 25, 2016.

2. This Application is based on the Declaration of Roberto A. Tercero filed concurrently herewith and the exhibits attached thereto regarding relevant factual matters in this proceeding, the Memorandum of Points and Authorities filed in support of this Application, the Proposed Order to Show Cause, and the Proposed Order Compelling Compliance, each of which is filed concurrently herewith, such matters of which judicial notice may be taken, and any other written or oral evidence as may be offered at a hearing on the Application.

II. JURISDICTION AND VENUE

3. Jurisdiction is conferred upon this Court by Section 22(b) of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. §77v(b), and Section 21(c) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78u(c).

4. Venue is proper in the Central District of California because the SEC's investigation is being carried out by the SEC's Los Angeles Regional Office, which is located within this Court's judicial district. *See*, 15 U.S.C. § 78u(c).

III. RESPONDENTS

5. Respondent Andrew T.E. Coldicutt ("Coldicutt"), resides in San Diego, California. Coldicutt is a securities attorney and has been a member of the State Bar of California since 2008.

6. Respondent the Law Office of Andrew Coldicutt ("Law Office") is a sole proprietorship. Its principal place of business during the relevant time period was 1220 Rosecrans Street, PMB 258, San Diego, California 92106.

IV. THE SEC'S INVESTIGATION

7. On May 25, 2016, the SEC issued a formal order of private investigation (the "Formal Order"), entitled In the Matter of Andrew T.E. Coldicutt, SEC File No. LA-4660, pursuant to Section 20(a) of the Securities Act, 15 U.S.C. § 77t(a), and Section 21(a) of the Exchange Act, 15 U.S.C. § 78u(a).

8. Pursuant to the Formal Order, the SEC directed that an investigation be conducted to determine, among other things, whether any persons or entities affiliated with AppointMed, Inc. ("AppointMed"), Axeture Corp. ("Axeture"), IWEB, Inc. ("IWBB"), PharmaCyte Biotech, Inc., formerly known as Nuvilex, Inc. ("PharmaCyte"), ROID Group, Inc. ("ROID"), or Coldicutt, or others, have been or are engaging in violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. §§ 77e(a), 77e(c) & 77q(a), and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15. U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5, by carrying out various acts and practices.

9. Pursuant to Section 19(c) of the Securities Act, 15 U.S.C. § 77s(c), and Section 21(b) of the Exchange Act, 15 U.S.C. § 78u(b), the Formal Order designates certain members of the SEC staff as officers of the SEC. As officers, they are empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which are relevant or material to the inquiry and to perform all other duties in connection therewith as prescribed by law.

V. INVESTIGATIVE SUBPOENAS ISSUED AND THE PARTIES' ATTEMPTS TO RESOLVE THE ISSUES REGARDING THE SUBPOENAS

10. On May 25, 2016, the SEC issued investigative subpoenas to both Coldicutt and the Law Office that called for the production by June 14, 2016of

relevant documents regarding Appointment, Axeture, IWEB, PharmaCyte, ROID, him, and others, including documents and records concerning: (a) the private offerings and initial public offerings of Appointment, Axeture, IWBB, and ROID, and documents; (b) the issuance of PharmaCyte stock certificates and the deposit of those certificates with brokerage firms; (c) engagement letters between Law Office and any other person since January 1, 2012; (d) Respondents' bank records, including their attorney trust account records; and (e) all Rule 144 opinion letters that the Respondents have issued since January 1, 2013.

11. The subpoenas were signed by a member of the SEC staff designated in the Formal Order and the subpoenas were served to the Respondents' business address via United Parcel Service ("UPS") overnight delivery. According to UPS's delivery notifications, Coldicutt and the Law Office were both delivered on May 26, 2016.

12. On May 26, 2016, Coldicutt sent the SEC counsel an email, confirming that he had received his subpoena.

13. On June 7, 2016, Coldicutt requested an extension to the subpoena return date for the Coldicutt Subpoena due to a family issue. The SEC granted an extension to July 11, 2016.

14. On June 30, 2016, Coldicutt emailed SEC counsel and asked to narrow the scope of the Coldicutt and Law Office subpoenas. SEC counsel replied on July 5, 2016, and limited the subpoenas so that the request for engagement letters, financial records, and correspondence with transfer agents was limited to just those engagements where Coldicutt performed legal services concerning registration statements and Rule 144 opinion letters. The request for Rule 144 opinion letters was limited to letters drafted from January 1, 2013 to the present.

15. On July 14, 2016, SEC counsel received a telephone call from Steve Lucero informing him that Mr. Lucero now represented Coldicutt and the Law Office. On July 27, 2017, Mr. Lucero's office contacted counsel and requested a

further two-week extension to the subpoena return date because Mr. Lucero had been in an accident. The SEC granted an extension to August 8, 2017.

16. On September 2, 2016, Mr. Lucero produced 263 documents on Coldicutt's behalf and emailed a copy of a letter and a privilege log of documents withheld from production. In the letter, Mr. Lucero stated:

> The privilege log does not contain information requested on page 3 of the subpoena, specifically: the author, date, subject matter, the name of the person who has it now, who has ever had it, etc. The reason for this is simple – such information is in and of itself privileged. We have, however, included the Bates Number of the document and the reason why the document was not produced. I do not believe you are legally entitled to more than that. If you believe otherwise, please contact me with authority for that position.

17. The SEC subpoenas called for the production of the attorney opinion letters authored by Respondents for the purported ownership of the securities of PharmaCyte and other companies. The subpoenas also called for the production of emails, correspondence, and financial records related to Respondents' legal work on behalf of their clients. Despite a diligent search of the production, SEC counsel has been unable to locate the opinion letters or emails in the production.

18. On December 15, 2016, SEC counsel sent Mr. Lucero a letter by email requesting that he submit an amended privilege log that for each document identified the author; date; subject matter; the name of the person who has the item now, or the last person known to have it; the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents; the reason for not producing the item; and the specific request in the subpoena to which the document relates. SEC counsel also provided legal authority regarding the obligation to provide such information if privilege was asserted and requested that the amended privilege log be provided by January 12, 2017. Finally, SEC counsel provided authority that there was no privilege for communications with

auditors or attorney's fees and billing statements.

19. On December 19, 2016, Mr. Lucero sent counsel an email confirming his receipt of the letter and stating that he continued to represent Coldicutt and the Law Office.

20. On January 24, 2017, SEC counsel sent Mr. Lucero an email stating that the deadline to provide an amended privilege log had passed on January 12, 2017, and asking when he would provide it. Mr. Lucero replied that day, stating that he was in trial and asking for an extension until January 30, 2017. SEC counsel granted the extension.

21. January 30, 2017 came and went, and SEC counsel received no response to his request for an amended privilege log. On February 14, 2017, SEC counsel sent Mr. Lucero a letter informing him that Coldicutt has failed to provide an amended privilege log and that Coldicutt had failed to comply fully with the Coldicutt and Law Office subpoenas. Counsel asked for an amended privilege log by no later than February 28, 2017.

22. Coldicutt's counsel never responded the SEC staff's February 14, 2017 letter.

23. As set forth more specifically in the accompanying Memorandum of Points and Authorities and the Declaration of Roberto A. Tercero, the documents the SEC seeks from the Respondents (including those described in the preceding paragraphs 10, 11 and 17) are relevant to the SEC's pending investigation to determine whether violations of the federal securities laws have occurred or may be occurring.

24. The Respondents' continued refusal to comply with the SEC investigative subpoenas is hindering the SEC staff's efforts to determine what, if any, violations of the securities laws have occurred or continue to occur.

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VI. NOTICE

25. After consultation and sincere efforts to do so, the parties have been unable to resolve the matter without Court action.

26. The SEC gave notice of its Application to Respondents via a letter dated February 14, 2017, in which the SEC staff stated that because the parties had not made any progress regarding the documents requested and because the SEC could not delay the SEC's investigation further, the SEC would have no choice but to seek authority to file a motion with the court in the Central District of California to enforce the SEC subpoenas.

WHEREAS, the SEC respectfully requests that:

a) this Court issue an Order to Show Cause forthwith directing the Respondents to show cause, if there be any, why this Court should not order the Respondents to produce a supplemental privilege log that identifies, for any document responsive to the SEC's May 2016 investigative subpoenas that were withheld on the grounds that it is privileged, the author(s); the document name; Bates range; date; subject matter; names of everyone who ever had the item or a copy of, and the names of everyone who was told the item's contents; the privilege asserted; and the specific request in the subpoena to which the document relates, to a duly designated officer or officers of the SEC in the Formal Order, SEC File No. LA-4660;

b) upon return of the Order to Show Cause, this Court issue an Order directing the Respondents to produce a supplemental privilege log that identifies, for any document responsive to the SEC's May 2016 investigative subpoenas that were withheld on the grounds that it is privileged, the author(s); the document name; Bates range; date; subject matter; names of everyone who ever had the item or a copy of, and the names of everyone who was told the item's contents; the privilege asserted; and the specific request in the subpoena to which the document relates; and

c) the SEC be granted such other and further relief as may be appropriate.

Dated: May 4, 2017

Respectfully submitted,

/s/ Roberto A. Tercero

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